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April 12, 2013

VIA ECF

Magistrate Judge A. Kathleen Tomlinson
U.S. District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722-4438

Re: *Sidz, et al. v. E&M ESR, Inc., et al.*
Case No.: 12-cv-4525
Gebarowski v. E&M ESR, Inc., et al.
Case No.: 12-cv-5375

Dear Magistrate Judge Tomlinson:

We represent the Defendants in the above-referenced cases, which have been consolidated for pre-trial purposes. We are writing, jointly with Plaintiffs, to request an adjournment of the conference currently scheduled for April 17, 2013, until a time convenient for the Court in May. In the *Sidz* case, a notice was mailed to putative members of the collective action brought under the Fair Labor Standards Act, pursuant to the stipulation of the parties, which was so-ordered by the Court. The opt-in period, however, expires on April 30, 2013. Accordingly, we will not know until approximately the end of the first week in May the total number of opt-ins. The parties believe it would be more productive to have the pre-trial conference after the opt-in period has expired and the number of opt-ins identified. This is the second request to adjourn the conference. The Court granted the first request so the opt-in period would have expired by the time for the conference, and the total opt-ins identified, but the mailing of the notice was delayed, now making the current date for the preliminary conference prior to the expiration date. The parties will be better able to determine the time needed to complete discovery once the number of opt-ins are identified.

Thank you for your consideration of this request.

Respectfully submitted,

JACKSON LEWIS LLP

Jeffrey W. Brecher

NPT:dc

cc: James Murphy, Esq. (via ECF)
Justin Reilly, Esq. (via ECF)
Noel P. Tripp, Esq. (internal)